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**AUG 13 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Paul Berger, et al. :  
Application No. 09/857,698 :  
Filed: June 8, 2001 :  
Attorney Docket No. C1043/7032 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure s to timely pay the issue fees and failure to submit formal drawings on or before February 15, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed November 15, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 16, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

The issue fee has been received. However, there is no indication that corrected formal drawings as required by the Notice of Allowability of November 15, 2006 have been submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division along with the renewed petition.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                    Mail Stop PETITION  
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                                 P. O. Box 1450  
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By hand:                    U. S. Patent and Trademark Office  
                                 Customer Service Window, Mail Stop Petitions  
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                                 401 Dulany Street  
                                 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/857,698	11/09/2001	Paul Berger	C1043/7032

Finnegan, Henderson, Farabow, Garrett & Dunner  
1300 I Street, NW  
Washington, DC 20005-3315

CONFIRMATION NO. 9935



\*OC000000025317195\*

Date Mailed: 08/13/2007

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/10/2005.

- o The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY